IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10410 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KADARMIYA BACHUMIYA SUNNI

Versus

POLICE COMMISSIONER

Appearance:

MR MA SAPA for Petitioner

MR HH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/02/2001

ORAL JUDGEMENT

#. As this petition deserves acceptance only on two grounds, all other contentions raised by the learned counsel for the petitioner challenging the order of the respondents dated 22nd August, 2000 under which the petitioner was ordered to be detained as a bootlegger,

need not to be referred, considered and decided.

#. Representation has been submitted by the petitioner against the detention order on 21-9-2000 and it was decided on 11-10-2000. There is a delay in deciding of this representation, which has not been explained by the respondents. As usual, in this case also, the respondents have not filed reply to the special civil application, meaning thereby, it also appears to be a case where detention of the petitioner has been ordered for the purpose of statistical data. Second contention raised is re. nonsupply of the vital document, namely, F.S.L. report. This is also not in dispute. This has also been made a ground in the representation. An ancillary contention has also been raised by the learned counsel for the petitioner that there is a delay in communication of the order passed on representation of the petitioner and that is also correct.

#. As a result of the aforesaid discussion, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 22-8-2000 is quashed and set aside. The petitioner, Kadarmiya Bachumiya Sunni, detenu, at present in District Jail, Junagadh, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

****

zgs/-